

REMARKS

Claims 1-52 are pending in the application. Claims 1-6, 38-43, 45-48, and 50 have been allowed. Further, Claim 24 has been amended and Claims 7-19, 23, 25-27, 35, 44, and 49 have been withdrawn pursuant to a restriction requirement.

Claim 24 has been amended to improve its form by correcting an inadvertent omission. The amendment does not alter the scope of this claim in any way whatsoever.

Rejection Under 35 U.S.C. §102(b)

Claims 20-22, 24, 28-34, 36-37, and 51-52 have been rejected over Guadalupi. Although the instant Office Action states at page 2 that Guadalupi is a newly discovered reference, the applicants note that this reference was of record in their parent application and was identified in an Information Disclosure Statement submitted by the applicants with the above-referenced application. The Examiner acknowledged receipt and review of the references cited by the applicants in the previous Office Action of May 24, 2005. The applicants assert that their claims distinguish over the cited reference and that this rejection is overcome in view of the following remarks.

Claim 20 recites a beverage selection manifold that includes a cell within a manifold body. The selection manifold also includes a removable cap having a channel therein. The removable cap is positioned adjacent to the cell in either a first cap position or a second cap position. The channel within the cap permits fluid communication between the outlet opening and either the first or second inlet openings depending upon the position of the cap. Accordingly, Claim 20 recites a beverage selection manifold in which the communication channel residing in the cap is positioned adjacent to the cell of the manifold body.

The applicants respectfully assert that Guadalupi does not suggest or disclose the selection manifold recited by Claim 20. In contrast to the applicants' claimed selection manifold in which a cap having a channel resides adjacent to the cell, Guadalupi discloses a device in which a needle valve selector (6) is inserted into an opening of a block (1). Upon insertion of the needle valve into the block, a passageway is created between one of two ducts (2, 5) and a pipefitting (4), depending upon the

rotational orientation of the needle valve. Regardless of the orientation of the needle valve, the passageway is created through an aperture (7) and axial exit aperture (8), which resides internally within the block. (See Col. 3, ll. 14-19, FIG. 2). The Office Action characterized the needle valve as constituting the applicants' cap. The needle valve, however is not positionable adjacent to the cell. Instead, Guadalupi's needle valve is inserted into the cell.

The applicants respectfully assert that Guadalupi does not disclose each and every element of claim 20 as required for anticipation under Section 102(b). In contrast to the device disclosed by Guadalupi, the applicants' claimed selection manifold provides a cap including a channel therein adjacent to the cell, rather than within the cell. As illustrated by the applicants in Fig. 21 of their drawing, the elongated channel 225 resides outside of the manifold body 214 when the selector cap 212 is positioned on the side of the manifold body. Accordingly, the applicants' claimed beverage selection manifold differs both geometrically and functionally from the device disclosed by Guadalupi.

Claims 21-22 are allowable in view of their dependence from Claim 20.

Claim 24 recites a method of switching a supply line to a dispensing valve. The method includes positioning a valve cap in a first position in which a first side of the cap closes a first fluid supply line. In this position fluid is allowed to flow through a second fluid supply line. Claim 24 further recites that the cap is positioned in a second position in which a second side of the cap closes a second fluid supply line. In this position fluid is allowed to flow through a first fluid supply line. The applicants respectfully assert that the device disclosed by Guadalupi does not suggest or disclose the method recited in Claim 24.

In the device disclosed by Guadalupi, the needle valve (6) has an aperture (7) in a portion of the peripheral wall of the needle valve. As described above, when the needle valve is rotated, fluid is allowed to flow through either duct (2) or duct (5). In either position, fluid is blocked by a peripheral portion of the needle valve that does not contain the aperture. If the needle valve constitutes the applicants' claimed cap, then it only has one side that closes a fluid supply line, not two sides. In contrast to the device disclosed by Guadalupi, et al. the method recited by the applicants in Claim 24 recites

a cap having a first side and a second side. Depending upon the position of the cap, fluid is blocked by either the first side or the second side of the cap. In Figs. 16 and 17 of their drawing, the applicants disclose an exemplary embodiment in which a cap closes alternative fluid paths from either a first side or a second side depending upon the position of the cap within the selection manifold 140. Accordingly, the method recited by the applicants involves the operation of a mechanism that differs both geometrically and functionally from the device disclosed by Guadalupi.

Claim 28 recites a beverage selection manifold that includes a plurality of sections within a manifold body. Each section within the manifold body includes first and second outlet orifices and first and second inlet orifices. Removable caps are positionable adjacent to the sections of the manifold body in first or second cap positions. A channel within the caps provides a fluid outlet for either the first outlet orifice or the second outlet orifice depending upon the position of the caps. The applicants assert that their claimed selection manifold is not suggested nor disclosed by Guadalupi.

Rather than disclosing a manifold having first and second outlet orifices and first and second inlet orifices within a section of the manifold, Guadalupi discloses a manifold in which each section has only one outlet orifice. In particular, Guadalupi discloses a block (1) in which fluid from either a first duct (2) or a second duct (5) can flow out from a transversal duct (11). Each adjacent cell in the block of Guadalupi contains only one outlet opening, such as transversal duct (15). (See Col. 3, ll. 20-31, FIG. 3).

The structural differences between applicants claimed selection manifold and the device disclosed by Guadalupi stem from the fundamentally different method of selecting alternate fluid paths provided by the applicant's invention. While Guadalupi relies on a rotational needle valve, the applicants claimed device creates alternate pathways adjacent to the manifold body depending upon the position of a removable cap. The applicants respectfully assert that their claims address a patentably distinct device from that disclosed by Guadalupi, et al.

Claims 29-31 are allowable in view of the dependence from Claim 28.

Claim 32 recites a beverage selection manifold for controlling carbonated and non-carbonated water for mixing with syrup. The selection manifold includes a manifold body having multiple cells in which each cell has first and second inlet orifices and first and second outlet orifices. The applicants respectfully assert that Claim 32 distinguishes over Guadalupi in view of their foregoing remarks.

Claims 33-34 and 36 are allowable in view of their dependence from Claim 32.

Claim 37 recites a beverage selection manifold that includes a manifold body having first and second outlet openings and first and second inlet openings. A fluid path is created adjacent to the section in either a first body position or a second body position. Depending upon the body position, fluid can flow through either the first outlet opening or the second outlet opening. The applicants respectfully assert the beverage selection manifold recited by Claim 37 is not suggested or disclosed by Guadalupi in view of their foregoing remarks.

Claim 51 recites a beverage selection manifold that includes a rectangular body having multiple cells, where each cell includes first and second inlet orifices and first and second outlet orifices. A detachable body is configured to stop fluid flow from either the first outlet orifice or a second outlet orifice depending upon the position of the detachable body. Claim 51 further recites that the detachable body can be grasped by a user for positioning the detachable body in the first position or the second position. The applicants respectfully assert that Claim 51 does not suggest or disclose by Guadalupi. This is at least because regardless of the rotational orientation of the needle valve in Guadalupi's device, fluid flows from a single outlet orifice rather than from first or second outlet orifices as claimed by the applicant.

Claim 52 is allowable in view of its dependence from Claim 51.

The applicants have a novel and non-obvious contribution to the art of beverage selection manifold design and operation. The claims at issue distinguish over the cited reference and are in condition for allowance. Accordingly, such allowance is now earnestly requested.

Claim 32 recites a beverage selection manifold for controlling carbonated and non-carbonated water for mixing with syrup. The selection manifold includes a manifold body having multiple cells in which each cell has first and second inlet orifices and first and second outlet orifices. The applicants respectfully assert that Claim 32 distinguishes over Guadalupi in view of their foregoing remarks.

Claims 33-34 and 36 are allowable in view of their dependence from Claim 32.

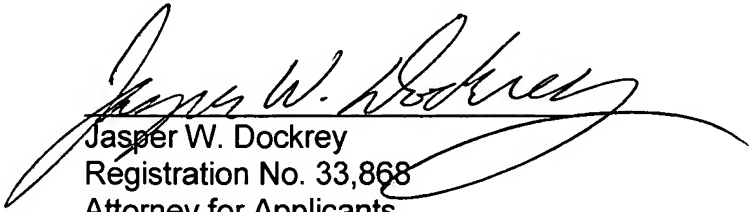
Claim 37 recites a beverage selection manifold that includes a manifold body having first and second outlet openings and first and second inlet openings. A fluid path is created adjacent to the section in either a first body position or a second body position. Depending upon the body position, fluid can flow through either the first outlet opening or the second outlet opening. The applicants respectfully assert the beverage selection manifold recited by Claim 37 is not suggested or disclosed by Guadalupi in view of their foregoing remarks.

Claim 51 recites a beverage selection manifold that includes a rectangular body having multiple cells, where each cell includes first and second inlet orifices and first and second outlet orifices. A detachable body is configured to stop fluid flow from either the first outlet orifice or a second outlet orifice depending upon the position of the detachable body. Claim 51 further recites that the detachable body can be grasped by a user for positioning the detachable body in the first position or the second position. The applicants respectfully assert that Claim 51 does not suggest or disclose by Guadalupi. This is at least because regardless of the rotational orientation of the needle valve in Guadalupi's device, fluid flows from a single outlet orifice rather than from first or second outlet orifices as claimed by the applicant.

Claim 52 is allowable in view of its dependence from Claim 51.

The applicants have a novel and non-obvious contribution to the art of beverage selection manifold design and operation. The claims at issue distinguish over the cited reference and are in condition for allowance. Accordingly, such allowance is now earnestly requested.

Respectfully submitted,



Jasper W. Dockrey
Registration No. 33,868
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200